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injury to the eyes, as it may affect directly the functional power of the eyes themselves, or indirectly the individual's ability to compete in the labor market.

The extent to which mathematical formulas or tables can be used in legal proceedings would seem logically to depend upon the accuracy of the results that will be attained by their use. Where a formula is susceptible of rigid demonstration, it might very properly be given to a jury with a direction to use it as a basis for computing damages, the court merely taking judicial notice of the accuracy of the mathematical processes involved. Absolute exactness, however, would be required to justify such a mandatory use. A formula of this sort has recently appeared in these pages. See 15 HARV. L. REV. 866.

Another possible mode of dealing with formulas is suggested by the familiar use made of mortality tables. These are admissible in evidence, as embodying tabulated results from actual experience; the doctrine of judicial notice is invoked only to the extent of recognizing them as accurate embodiments of these results. Formulas like that of Professor Magnus, however, differ from the one suggested above, in that they are incapable of rigid demonstration because of the obvious necessity of making certain arbitrary suppositions in expressing natural powers in mathematical terms. On the other hand, they are like the mortality tables in being based on experience and investigation; but, unlike these, they are not mere tabulations of results, but are dependent for their value upon the soundness of judgment of the maker. Accordingly, the necessity of proving such formulas and the complexity of issues thereby raised would seriously affect their usefulness as evidence either by themselves or in support of an expert's testimony, if it did not, in fact, render them inadmissible. Nevertheless they undoubtedly indicate a movement in the right direction, aiming as they do to reduce to a minimum the element of conjecture so prominent in jury trials.

Finally, the writers maintain that their formula will be useful to accident insurance companies and pension bureaus, in adjusting claims and granting pensions; but such a use must, in this country, be limited, because of the extensive use of valued policies, and because pensions depend so largely on the rank of the pensioner.

THE RIGHT TO AND THE CAUSE FOR ACTION, both Civil and Criminal, at Law, in Equity and Admiralty, under the Common Law and under the Codes. By Hiram L. Sibley, Circuit Judge in the Fourth District of Ohio. Cincinnati: W. H. Anderson & Co. 1902. pp. x, 165. 8vo.

If clear apprehension and exact statement conduce to sound law, the present work may be unhesitatingly commended. Dealing with a subject that is elementary and yet vitally important because fundamental, it presents the author's views in a simple, convincing manner. He seldom indulges in unnecessary verbiage, but nevertheless suggests ample illustration for each proposition.

His main contentions are that "the right to action arises wholly by force of the remedial law when a legal wrong has been committed" and is independent of the substantive law; and that the cause for action is simply a legal wrong, as distinguished, on the one hand, from the substantive law, which merely conditions it, and, on the other, from the remedial law, which only gives it an avenue of redress. These propositions he ably defends, pointing out the certain value of their application to the law of Parties, to Pleading, and to the sometimes difficult problem of determining the *locus* of the cause for action.

In supporting his contention that "a wrong in every case implies a cause for action and *vice versa*," Judge Sibley (on p. 28) takes issue with a statement made by Mr. Justice Holmes in his familiar work on the Common Law. The latter, at p. 148, says: "It cannot be inferred from the mere fact that certain conduct is made actionable, that therefore the law regards it as a wrong or seeks to prevent it. Under our mill acts a man has to pay for flowing his neighbor's lands, in the same way that he has to pay in trover for converting his neighbor's property. Yet the law approves and encourages the flowing of lands for the erection of mills." In reply to this Judge Sibley suggests that "it is not the act of flowing lands which is actionable, but the failure to com-

pensate the owner;" that, until there has been such a default in payment, there is no cause for action; and that consequently even in a class of cases which might at first seem exceptional there is no cause for action without a legal wrong. It would seem hardly possible to deny the correctness of the author's position.

It is perhaps true that the book is not without some minor deficiencies. However logical and sound the author may be in his conclusions, it may be questioned whether they are affirmatively supported by all the cases he cites; the cases relating to the statute of limitations seem especially open to comment.

A carefully prepared index and tables of cases are included in the volume, though perhaps of doubtful advantage in a work so short. The book as a whole will amply repay at least brief perusal by lawyer and judge. For beginners in the law a careful reading of it would serve as an excellent preparation for the systematic study of Pleading.

A TREATISE UPON THE LAW OF COPYRIGHT in the United Kingdom and the Dominions of the Crown and in the United States of America, containing a Full Appendix of all Acts of Parliament, International Conventions, Orders in Council, Treasury Minutes and Acts of Congress now in Force. By E. J. MacGillivray. London: John Murray. New York: E. P. Dutton & Co. 1902. pp. xxxvi, 403. 8vo.

MASON ON HIGHWAYS, containing the New York Highway Law and all Constitutional and General Statutory Provisions relating to Highways; Highway Officers, their Powers and Duties, including the Good Roads Law of 1898 and 1901, all as amended to the Session of 1903: with Annotations and Forms. By Herbert Delavan Mason. Albany: Banks & Company. 1902. pp. xxxi, 322. 8vo.

THE GENERAL PRINCIPLES OF THE AMERICAN LAW OF THE SALE OF GOODS, in the form of Rules with Comments and Illustrations, containing also the English "Sale of Goods Act." Second edition. By Reuben M. Benjamin. Indianapolis and Kansas City: The Bowen-Merrill Company. 1901. pp. x, 401. 8vo.

OUTLINES OF CRIMINAL LAW, based on Lectures delivered in the University of Cambridge. By Courtney Stanhope Kenny. Cambridge (England): The University Press. New York: The MacMillan Company. 1902. pp. xxii, 528. 8vo.

REPORTS ON THE LAW OF CIVIL GOVERNMENT IN TERRITORY SUBJECT TO MILITARY OCCUPATION BY THE MILITARY FORCES OF THE UNITED STATES, submitted to Hon. Elihu Root, Secretary of War. By Charles E. Magoon. Washington: Government Printing Office. 1902. pp. 808. 8vo.

PROBATE REPORTS ANNOTATED, containing Recent Cases of General Value decided in the Courts of the Several States on Points of Probate Law; with Notes and References. By George A. Clement. Vol. VI. New York: Baker, Voorhis & Company. 1902. pp. xlv, 832. 8vo.

THE EMPLOYERS' LIABILITY ACTS AND THE ASSUMPTION OF RISKS, in New York, Massachusetts, Indiana, Alabama, Colorado, and England. By Frank F. Dresser. St. Paul: Keefe-Davidson Company. 1902. pp. xii, 881. 8vo.

MORPHINISM AND NARCOMANIAS FROM OTHER DRUGS, their Etiology, Treatment, and Medico-Legal Relations. By T. D. Crothers. Philadelphia and London: W. B. Saunders & Company. 1902. pp. 351. 8vo.

A BRIEF FOR THE TRIAL OF CRIMINAL CASES. By Austin Abbott, assisted by William C. Beecher. Second edition. Rochester: The Lawyers' Co-operative Publishing Company. 1902. pp. xx, 814. 8vo.

SOCIOLOGIC STUDIES OF A MEDICO-LEGAL NATURE. By Louis J. Rosenberg and N. E. Aronstam. Introduction by Clark Bell. Chicago: G. P. Engelhard & Company. 1902. pp. 137. 12mo.

BRITISH RULE AND JURISDICTION BEYOND THE SEAS. By Henry Jenkyns. Preface by Courtenay Gilbert. Oxford: Clarendon Press. 1902. pp. xxiii, 300. 8vo.

A BRIEF OF NECROSCOPY and its Medico-Legal Relation. By Gustav Schmitt. New York and London: Funk and Wagnalls Company. 1902. pp. 186. 16mo.

PROBATE LAW. By M. D. Chatterton. 2 vols. Lansing: Robert Smith Printing Company. 1901. pp. lxxvii, 1-460; v, 461-1117. 8vo.

JURISPRUDENCE, or the Theory of the Law. By John W. Salmond. London: Stevens & Haynes. 1902. pp. xv, 673. 8vo.

HISTORY OF THE LOUISIANA PURCHASE. By James S. Howard. Chicago: Callaghan & Company. 1902. pp. 170. 8vo.

REPORT OF SPECIAL AND REGULAR MEETINGS OF THE COLORADO BAR ASSOCIATION. Vol. 5. 1902. pp. 276. 8vo.